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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s): Abraham Akalu	Case No: 17-13793	
Γhis plan, dated F	ebruary 12, 2018 , is:		
V	the <i>first</i> Chapter 13 plan filed in this cas a modified Plan, which replaces the □confirmed or vunconfirmed Plan date		
	Date and Time of Modified Plan Confirmation Health Plan Confirmation Health Plan Confirmation Health Bankruptcy Ct., 200 S. Washington St.	earing:	
Plar inco	Plan provisions modified by this filing are a modified to track proofs of claim and strea ome from renting a room in Debtors house b dification of Ditech Mortgage;	mline monthly payments; plan reflects addit	
	ditors affected by this modification are:		

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$473,661.00

Total Non-Priority Unsecured Debt: **\$6,652.07**

Total Priority Debt: **\$3,447.53**Total Secured Debt: **\$296,326.50**

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$200.00 Monthly for 3 months, then \$750.00 Monthly for 57 months. Other payments to the Trustee are as follows: NONE. The total amount to be paid into the plan is \$43,100.00.
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$ 3,000.00 balance due of the total fee of \$ 3,500.00 concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor
Internal Revenue ServiceType of Priority
Taxes and certain other debtsEstimated Claim
2,569.53Payment and Term
Prorata
60 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>
-NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description Adeq. Protection Monthly Payment To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of the Plan):

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or Creditor Collateral Collateral Approx. Bal. of Debt or Creditor Crammed Down" Value Rate Monthly Paymt & Est. Term**

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. Unsecured Claims.

- **A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately **100** %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately **100** %.
- B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
-NONE-		

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

Creditor Bank of America	<u>Collateral</u> 7807 Glenister Drive	Regular Contract Payment 271.00	Estimated Arrearage 9,305.66	Arrearage Interest Rate 0%	Estimated Cure Period 32 months	Monthly Arrearage Payment Prorata
	Springfield, VA 22152 Fairfax County 7807 Gleniter Drive, Springfield VA 22152		·			
Ditech Financial LIc	7807 Glenister Drive Springfield, VA 22152 Fairfax County 7807 Gleniter Drive, Springfield VA 22152	1,423.46	0.00	0%	0 months	

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
<u>Creditor</u>	<u>Collateral</u>	Payment	Arrearage Rate	<u>Arrearage</u>	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	<u>Claim</u>	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - **A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts.

<u>Creditor</u>	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
Creditor	Type of Contract	<u>Arrearage</u>	for Arrears	Cure Period

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Creditor Type of Contract Arrearage for Arrears Cure Period

NONE
Monthly
Payment Estimated
for Arrearage for Arrears
Cure Period

- 7. Liens Which Debtor(s) Seek to Avoid.
 - A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

<u>Creditor</u> <u>Collateral</u> <u>Exemption Amount</u> <u>Value of Collateral</u>

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

<u>Creditor</u> <u>Type of Lien</u> <u>Description of Collateral</u> <u>Basis for Avoidance</u>

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

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Signature	s:			
Dated:	January 16, 2018			
/s/ Abrah	am Akalu		/s/ Nathan Fisher	
Abraham	Akalu		Nathan Fisher 37161	
Debtor			Debtor's Attorney	
Exhibits:	Copy of Debtor(s)' Bud Matrix of Parties Serve	lget (Schedules I and J); ed with Plan		
I certify th List.	nat on January 16, 2018 , I r	Certificate of Service mailed a copy of the foregoing to the	creditors and parties in interes	est on the attached Service
		/s/ Nathan Fisher		
		Nathan Fisher 37161		
		Signature		
		3977 Chain Bridge Rd., Suite #2		
		Fairfax, VA 22030 Address		
		riduress		
		(703) 691-1642		
		Telephone No.		

Ver. 09/17/09 [effective 12/01/09]

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Fill	in this information to identify your c	ase:				I				
	otor 1 Abraham Al									
	otor 2				_					
Uni	ted States Bankruptcy Court for the	: EASTERN DISTRICT	OF VIRGINIA							
Cas	se number 17-13753					Check	c if this is:			
(If kr	nown)		-			■ Ar	n amende	d filing		
									g postpetition ollowing date:	chapter
0	fficial Form 106l					M	M / DD/ Y	YYY		
S	chedule I: Your Inc	ome					, 22, .			12/15
atta	use. If you are separated and you ch a separate sheet to this form. t1: Describe Employment Fill in your employment					l case nu	mber (if I	known). A	nswer every	
	information.								ling spouse	
	If you have more than one job, attach a separate page with information about additional	Employment status	■ Employed□ Not employed				☐ Emplo	•		
	employers.	Occupation	Cab Driver							
	Include part-time, seasonal, or self-employed work.	Employer's name	Self-Employed							
	Occupation may include student or homemaker, if it applies.	Employer's address								
		How long employed t	here? <u>11 Year</u>	s			_			
Par	Give Details About Mor	nthly Income								
	mate monthly income as of the duse unless you are separated.	ate you file this form. If	you have nothing to re	port for	any	line, write	\$0 in the	space. Inc	clude your noi	n-filing
	u or your non-filing spouse have mo e space, attach a separate sheet to		ombine the information	n for all e	emple	oyers for t	hat perso	on on the li	nes below. If	you need
						For Deb	tor 1		btor 2 or ing spouse	
2.	List monthly gross wages, sala deductions). If not paid monthly,			2.	\$		0.00	\$	N/A	
3.	Estimate and list monthly overt	ime pay.		3.	+\$		0.00	+\$	N/A	
4.	Calculate gross Income. Add lin	ne 2 + line 3.		4.	\$		0.00	\$	N/A	

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Deb	tor 1	Abraham Akalu	_	С	ase number (if known)	17-1	13753	
					For Debtor 1		Debtor 2 or	
	Cor	v line 4 here	4.		\$ 0.00	\$	n-filing spou	VA
	001	y line 4 here			<u> </u>	Ψ_		<u> </u>
5.	List	all payroll deductions:						
	5a.	Tax, Medicare, and Social Security deductions	5a.		\$ 0.00	\$_		<u> </u>
	5b.	Mandatory contributions for retirement plans	5b.		\$ 0.00	\$_		I/A
	5c. 5d.	Voluntary contributions for retirement plans Required repayments of retirement fund loans	5c. 5d.		\$ <u>0.00</u> \$ <u>0.00</u>	\$_ \$		<u> </u>
	5u. 5e.	Insurance	5u. 5e.		\$	\$ _		<u> </u>
	5f.	Domestic support obligations	5f.		\$ 0.00	\$_		<u>₩A</u> ₩A
	5g.	Union dues	5g.		\$ 0.00	\$		VA
	5h.	Other deductions. Specify:	_ 5h.		\$ 0.00	+ \$_		1/A
6.	Add	the payroll deductions. Add lines 5a+5b+5c+5d+5e+5f+5g+5h.	6.	9	\$0.00	\$_	1	1/A
7.	Cal	culate total monthly take-home pay. Subtract line 6 from line 4.	7.	9	\$0.00	\$_	1	\/A
8.	List 8a.	all other income regularly received: Net income from rental property and from operating a business, profession, or farm Attach a statement for each property and business showing gross receipts, ordinary and necessary business expenses, and the total						
		monthly net income.	8a.		\$3,700.00	\$_		I/A_
	8b.	Interest and dividends	8b.	. :	\$	\$_		√ A_
	8c.	Family support payments that you, a non-filing spouse, or a dependent regularly receive Include alimony, spousal support, child support, maintenance, divorce settlement, and property settlement.	8c.		\$ 0.00	\$_		√A
	8d.	Unemployment compensation	8d.		\$ 0.00	\$_		I/A
	8e.	Social Security	8e.		\$	\$_		I/A_
	8f.	Other government assistance that you regularly receive Include cash assistance and the value (if known) of any non-cash assistance that you receive, such as food stamps (benefits under the Supplemental Nutrition Assistance Program) or housing subsidies. Specify:	8f.	:	\$	\$_	1	√A_
	8g.	Pension or retirement income	8g.		\$ 0.00	\$		V/A
	8h.	Other monthly income. Specify:	8h.	.+ :	\$	+ \$_		\ /A_
9.	Add	all other income. Add lines 8a+8b+8c+8d+8e+8f+8g+8h.	9.	\$	3,700.00	\$_		N/A
10.	Cal	culate monthly income. Add line 7 + line 9.	10.	\$	3,700.00 + \$		N/A = \$	3,700.00
	Add	the entries in line 10 for Debtor 1 and Debtor 2 or non-filing spouse.	L					
11.	Inclu othe	e all other regular contributions to the expenses that you list in Schedule ade contributions from an unmarried partner, members of your household, your or friends or relatives. not include any amounts already included in lines 2-10 or amounts that are not a cify:	depe		•		Schedule J. 11. +\$	0.00
12.		the amount in the last column of line 10 to the amount in line 11. The rese that amount on the Summary of Schedules and Statistical Summary of Certainies					e. 12. \$ _	3,700.00
								nbined
13.	Do :	you expect an increase or decrease within the year after you file this form No.	?				moi	nthly income
		Yes. Explain: The rental income reflected on Schedule I will be beginning in March, 2018	gin f	iror	m the Debtor ren	ting a	room in hi	s house

Official Form 106I Schedule I: Your Income page 2

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Fill	in this informa	tion to identify yo	our case:						
Deb	otor 1	Abraham Ak	alu			Ch ■ □	An A s		ving postpetition chapter
	ouse, if filing)							•	the following date:
Unit	ed States Bankr	ruptcy Court for the	EASTE	RN DISTRICT OF VIRGIN	IIA		MN	I / DD / YYYY	
	e number 17 nown)	7-13753							
		rm 106J							
Be info nur	as complete a ormation. If m mber (if know	ore space is ne n). Answer ever	possible. eded, atta y question	If two married people ar ch another sheet to this					
Par 1.	t 1: Descr Is this a joir	ibe Your House nt case?	hold						
		s Debtor 2 live i	in a separa	ate household?					
	□ N □ Y	-	st file Officia	al Form 106J-2, <i>Expenses</i>	for Separate House	ehold of De	ebtor 2	2.	
2.	Do you have	e dependents?	■ No						
	Do not list D Debtor 2. Do not state dependents	the	☐ Yes.	Fill out this information for each dependent	Dependent's relation Debtor 1 or Debtor		-	Dependent's age	Does dependent live with you? No Yes No Yes No Yes No Yes No Yes
3.	expenses of	penses include f people other tl d your depende	han _	No Yes					☐ Yes
Est exp app	imate your ex enses as of a plicable date.	date after the b	our bankru pankruptc	uptcy filing date unless y y is filed. If this is a supp	olemental <i>Schedule</i>	orm as a : J, check	suppl the b	ement in a Cha	pter 13 case to report f the form and fill in the
the		h assistance an		government assistance i luded it on <i>Schedule I:</i> \				Your expe	enses
4.		or home owners		ses for your residence. I r lot.	nclude first mortgage	e 4.	\$_		1,696.00
	If not includ	led in line 4:							
	4b. Prope	estate taxes rty, homeowner's		's insurance ipkeep expenses		4a. 4b. 4c.	\$ _		0.00
		owner's associat				4d.	\$		0.00 0.00
5.	Additional r	nortgage payme	ents for yo	our residence, such as ho	me equity loans	5.	\$		0.00

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	Abraham Akalu	Case numi	per (if known)	17-13753
S. Utiliti	ies.			
6a.	Electricity, heat, natural gas	6a.	\$	130.00
6b.	Water, sewer, garbage collection	6b.	\$	70.00
6c.	Telephone, cell phone, Internet, satellite, and cable services	6c.	•	80.00
6d.	Other. Specify:	6d.	·	0.00
	I and housekeeping supplies	7.	\$	525.00
	dcare and children's education costs	7. 8.	\$	
-		o. 9.		0.00
	ning, laundry, and dry cleaning		\$	125.00
	onal care products and services	10.	\$	60.00
	cal and dental expenses	11.	\$	30.00
	sportation. Include gas, maintenance, bus or train fare.	12.	\$	170.00
	ot include car payments.		·	
	rtainment, clubs, recreation, newspapers, magazines, and books	13.	•	30.00
	itable contributions and religious donations	14.	Ф	0.00
5. Insur				
	ot include insurance deducted from your pay or included in lines 4 or 20.	150	c	0.00
	Life insurance	15a.	•	0.00
	Health insurance	15b.	•	0.00
	Vehicle insurance	15c.		0.00
	Other insurance. Specify:	15d.	\$	0.00
მ. Taxe :	s. Do not include taxes deducted from your pay or included in lines 4 or 20.			
Speci	•	16.	\$	0.00
	Illment or lease payments:			
17a.	Car payments for Vehicle 1	17a.	\$	0.00
17b.	Car payments for Vehicle 2	17b.	\$	0.00
17c.	Other. Specify:	17c.	\$	0.00
	Other. Specify:	17d.	\$	0.00
	payments of alimony, maintenance, and support that you did not report as		-	
	icted from your pay on line 5, Schedule I, Your Income (Official Form 106I).		\$	0.00
	r payments you make to support others who do not live with you.		\$	0.00
Speci		19.		
ວ. Othe	r real property expenses not included in lines 4 or 5 of this form or on Sch	edule I: Yo	ur Income.	
	Mortgages on other property	20a.		0.00
	Real estate taxes	20b.	\$	0.00
	Property, homeowner's, or renter's insurance	20c.	•	0.00
	Maintenance, repair, and upkeep expenses	20d.	·	0.00
	Homeowner's association or condominium dues	20a. 20e.		0.00
			·	
i. Otne	r: Specify:	21.	+\$	0.00
2. Calcı	ulate your monthly expenses			
	Add lines 4 through 21.		\$	2,916.00
	Copy line 22 (monthly expenses for Debtor 2), if any, from Official Form 106J-2		\$	<u></u>
			· · <u> </u>	
22C. /	Add line 22a and 22b. The result is your monthly expenses.		\$	2,916.00
3. Calcı	ulate your monthly net income.			
	Copy line 12 (your combined monthly income) from Schedule I.	23a.	\$	3,700.00
	Copy your monthly expenses from line 22c above.	23b.		2,916.00
۷۵۵.	Copy your monthly expenses from the 220 above.	200.	Ψ	2,910.00
230	Subtract your monthly expenses from your monthly income			
23 0.	Subtract your monthly expenses from your monthly income. The result is your <i>monthly net income</i> .	23c.	\$	784.00
	The result is your monany natinicome.	_00.	-	
'4. Do v o	ou expect an increase or decrease in your expenses within the year after y	ou file this	torm?	
	ou expect an increase or decrease in your expenses within the year after y kample, do you expect to finish paying for your car loan within the year or do you expect you			ase or decrease because o
For ex				ease or decrease because o
For ex	kample, do you expect to finish paying for your car loan within the year or do you expect you ication to the terms of your mortgage?			ease or decrease because o

Bank of America P.O. Box 5270 Carol Stream, IL 60197-5270

Discover Financial Attn: Bankruptcy Po Box 3025 New Albany, OH 43054

Ditech Financial Llc Po Box 6172 Rapid City, SD 57709

Internal Revenue Service P.O. Box 21126 Philadelphia, PA 19114-0326

Office of the U.S. Trustee 115 South Union St., Ste. 210 Alexandria, VA 22314